

**TOWN OF ELSMERE
PLANNING COMMISSION
MEETING MINUTES
June 5, 2012
6:30 P.M.**

PLEDGE OF ALLEGIANCE:

CALL TO ORDER:

ROLL CALL:

Chairman Lindell – Present
Commissioner Sheldon – Present
Commissioner Anderson – Present
Commissioner Swain – Present
Commissioner Skipski – Present
Commissioner Russo – Present
Commissioner Backer – Present

APPROVAL OF MINUTES:

Approval of the Minutes from the April 3, 2012 Planning Commission Meeting

ACTION: Commissioner Backer made a motion to approve the Minutes from the April 3, 2012 Planning Commission Meeting as transcribed. The motion was seconded by Commissioner Russo.

VOTE: All in favor Motion carried

NEW BUSINESS:

Appointing of the Planning Commission's Chairman

ACTION: A motion was made by Commissioner Backer to re-appoint Charles Lindell as Chairman of the Town of Elsmere's Planning Commission. Commissioner Russo seconded the motion.

VOTE: All in favor Motion Carried

Review Petition 12-13 Tax Parcel #1900-500-087

Doug Goldberg introduced himself as a representative of Tupp Signs. He stated the only difference in what they're requesting in this petition as opposed to the previous one (Petition 12-5) is the type of sign and the type of lighting. He stated that the sign requested is of the same size, but would have direct lighting instead of indirect lighting. He went on to say they are requesting the sign be at a height of 26' above grade, 2' higher than previously requested, due to the proposed "gooseneck-lighting" to be included.

Commissioner Sheldon asked if the lighting was going to affect any neighboring properties.

Mr. Goldberg stated it would not and that the lights would be facing downward, directly onto the sign.

Commissioner Sheldon asked what kind of lighting they were proposing to use.

Mr. Goldberg stated they would be using incandescent lighting.

Commissioner Backer asked if the lighting was going to be used 24 hours a day, or at night only.

Mr. Goldberg stated they would only use them at night.

Chairman Lindell asked what the hardship would be with not having the lighting.

Mr. Goldberg said that, without the lighting, the sign would not be visible at night.

Steve Berg introduced himself as a resident at 108 Northern Ave. He asked what the hardship was. He stated that the previous sign was approved, and he feels that the question of hardship has yet to be answered.

Mr. Gardner stated again that the sign would not be visible at night without the lighting. He went on to say that he felt the direct lighting would be more aesthetically pleasing than the previously approved indirect lighting.

Town Manager, John Giles, stated, in his opinion, the issue they're dealing with is aesthetics and not a hardship.

Commissioner Backer asked how much it would cost to change the lighting from indirect to direct.

Mr. Goldberg stated that it would cost them more for the direct lighting.

Commissioner Anderson asked if this type of lighting was allowed.

Code Officer, Brian Swift, stated that it is allowed.

Mr. Goldberg stated that the reflection of the lighting off of the sign would be minimal and would not reach the bridge itself.

ACTION: A motion was made by Commissioner Russo to recommend Approval of Petition 12-13. Commissioner Sheldon seconded the motion.

VOTE: 4 in favor – 3 against Motion Carried

Review Petition 12-14 Tax Parcel #1900-400-161

Code Officer Swift introduced Exhibits 12-14F and 12-14G which are updated documents to include a garage on the parcel.

Mr. Richard Thomas introduced himself as the contractor that was selected to construct the proposed “in-law suite”. He stated the proposed addition has 2 bedrooms, 1 bathroom, and a full kitchen. He went on to say that it was to be specially built to aid Ms. Shirley Cox, the homeowner, as she moves into her “difficult” years. He said there is nothing that can be done inside the existing house in order to aid someone who is wheelchair-bound.

Chairman Lindell asked, aside from the chairlift, what access would there be to the “in-law suite” without going outside and entering through the back entrance.

Mr. Thomas stated there is none.

Chairman Lindell stated there is a concern of how many kitchens total would be inside the home.

Mr. Thomas said they would be doing away with the existing kitchen and constructing a new one in the “in-law suite”, and therefore, there would only be one kitchen in the home.

Code Officer Swift asked if they were planning on separating any utilities between the sections of the home.

Mr. Thomas stated they would not be.

Chairman Lindell expressed concern that, seeing as though the home only has the wheelchair lift as an access between the two sections, somewhere down the line, someone may want to turn the home into a duplex of some sort essentially and want to re-zone the property.

Mr. Thomas stated that he sees how the Commission may have concerns with that, but said that's not their intent with the proposed addition.

Commissioner Backer asked if the Code Office views this as an "in-law suite" or as an over-sized addition.

Code Officer Swift stated that they see it as an over-sized addition seeing as it only has one kitchen.

Chairman Lindell stated that he'd like to see additional access between the two sections in order to tie it in more to an R-1 District situation.

Town Manager, John Giles, stated that, in his opinion, if one cannot walk from one house to another unobstructed, it's considered a duplex. He went on to say that duplexes are not allowed in the R-1 District. He then asked the Commission, that if they were to approve the petition, that they make it contingent upon the entire home having only 1 kitchen, and that there be access on the inside to the addition other than the handicap lift.

Chairman Lindell asked if there was a garage on the property.

Mr. Thomas stated there is.

Chairman Lindell then asked if he were planning to change anything with the garage.

Mr. Thomas said no.

ACTION: A motion was made by Commissioner Backer to Approve of Petition 12-14 contingent upon the entire home having only 1 kitchen, and that there be full unlimited access on the inside to the addition. Commissioner Russo seconded the motion.

VOTE: All in favor

Motion Carried

OLD BUSINESS:

Review of the Annual Comprehensive Plan

Town Manager Giles asked the Commission to address, at their July meeting, Action Plans 1-12. He went on to say that he met with the University of Delaware regarding the Complete Communities Program and they want to identify about 4 primary issues particular to Elsmere. He said they are the business community's complaints about access and so forth, the lack of pedestrian areas, some vehicle traffic stuff, and building and zoning issues. He stated he would like some of the Commissioners to make themselves available for the meetings they will be having with the University to discuss these matters.

Chairman Lindell stated that Town Manager Giles, Commissioner Sheldon, and himself, had met with Kyle from the State of Delaware for about 45 minutes the previous month. He said they would be doing a "Hazardous Tree Program" for the Town in June by windshield survey. He then said the State is revising a canopy map and will be

Mr. Giles stated that the official request of that has been made, and asked to have that completed by June 30th.

Chairman Lindell then said that the State was to put out a canopy map by September 2012 that will identify every tree in the Town of Elsmere. He went on to say that the Town can apply for an Urban Tree Grant in July.

ITEMS SUBMITTED BY CHAIRMAN AND BOARD MEMBERS:

None

PUBLIC COMMENT:

None

ADJOURNMENT:

ACTION: A motion was made by Commissioner Russo to adjourn. Commissioner Backer seconded the motion.

VOTE: All in favor Motion Carried

At this time the meeting was adjourned.

These minutes summarize the agenda items and other issues discussed at the June 5, 2012 Planning Commission Meeting. Votes are recorded accurately. The audio tape(s) of this meeting will be available at Town Hall for a period of two years from the date these minutes are approved. The audio tape(s) may be reviewed at Town Hall by appointment and in accordance with the Freedom of Information Act.

CHARLES LINDELL, CHAIRMAN

LEON BACKER, SECRETARY